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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HERER BRANDS INC., a Nevada corporation,) Case No. 2:23-cv-01235-JCM-BNW
Plaintiff,)
vs.)
DANIEL HERER, an individual, and)
DOES 1 through 10, inclusive; ROE)
BUSINESS ENTITIES, 1 through 10,)
inclusive,)
Defendants.)
DANIEL HERER, an individual,)
Counter-Claimant,)
vs.)
HERER BRANDS INC., a Nevada)
corporation,)
Counter-Defendant.)

DANIEL HERER, an individual,)
Third-Party Plaintiff,)
vs.)
DENNIS D'ALESSIO, an individual;)
OLIVER DUGGAL, an individual;)
CALYFX, a California corporation;)
UNIVERSAL BRANDS, INC., a)
Nevada corporation,)
Third-Party Defendants.)

**STIPULATION TO EXTEND TIME FOR PLAINTIFF/COUNTER-DEFENDANT
HERER BRANDS, INC. TO RESPOND TO DEFENDANT/COUNTER-CLAIMANT**

DANIEL HERER'S COUNTERCLAIM

(First Request)

WHEREAS, on July 12, 2023, Plaintiff Herer Brands, Inc. (“HBI”) filed a Complaint against Defendant Daniel Herer (“Herer”) in the Nevada Eighth Judicial District Court (“State Court”) (*See* ECF No. 1-2);

WHEREAS, on August 7, 2023, Herer filed Defendant Daniel Herer's Removal Petition in this Court (ECF No. 1);

WHEREAS, on August 13, 2023, Herer filed an Answer to HBI's Complaint and a Counterclaim against HBI in this Court (ECF No. 4);

WHEREAS, based on the August 13, 2023 service of the Counterclaim, HBI's deadline to respond to the Counterclaim is September 5, 2023;

WHEREAS, on August 30, 2023, HBI filed Motions to Remand and for Award of Costs and Attorney's Fees Under U.S.C. §1447(c) or, Alternatively, to Remand or Stay Based on Abstention and/or Comity or, Alternatively, to Remand or Stay Based on Contractual Forum Selection Provision ("Motions to Remand") (ECF No. 9);

WHEREAS, the outcome of the Motions to Remand may require that the action proceed in State Court;

WHEREAS, the parties submit that postponing HBI's response date until after the Court's decision on HBI's Motions to Remand would be in the public and private interests in judicial economy;

WHEREAS, this is the first stipulation for extension of time to respond to the Counterclaim;

NOW THEREFORE, the parties hereby stipulate and agree, as follows:

1. HBI shall have an additional thirty (30) days, until October 5, 2023, to respond to Herer's Counterclaim.

Respectfully submitted,

Dated: August 31, 2023

ENENSTEIN PHAM GLASS & RABBAT LLP

By: _____
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Dated: August 31, 2023

**WILSON, ELSER, MOSKOWITZ, EDELMAN &
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By: /s/Jonathan A. Rich

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Attorneys for Defendant/C

Attn: Keys Jr., DeGantawha County - Chairman
Daniel Herer

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ORDER

IT IS SO ORDERED

DATED: 2:10 pm, September 01, 2023

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I am employed in Clark County, State of Nevada. I am over the age of 18 and not a party to the within action. My business address is 11920 Southern Highlands Parkway, Suite 103, Las Vegas, Nevada 89141.

On August 31, 2023, I served the following document(s) described as:
STIPULATION TO EXTEND TIME FOR PLAINTIFF/COUNTER-DEFENDANT HERER BRANDS INC. TO RESPOND TO DEFENDANT/COUNTER-CLAIMANT DANIEL HERER'S COUNTERCLAIM (FIRST REQUEST), on the interested party in this action as stated below:

Karen L. Bashor, Esq.

Jonathan A. Rich, Esq.

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*Attorneys for Defendant/Counter-
Claimant Daniel Herer*

[X] BY NOTICE OF ELECTRONIC FILING (NEF): I checked the CM/ECF docket for this case and determined that the interested parties are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated above.

[X] (FEDERAL) I declare under penalty of perjury under the laws of the United States that the above is true and correct.

/s/Lauren A. Verbanik

Lauren Verbanik, Paralegal